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5 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**  
6 **IN AND FOR THE COUNTY OF KING**

7 STATE OF WASHINGTON,  
8 DEPARTMENT OF ECOLOGY,

9 Plaintiff,

10 v.

11 THE SEATTLE ART MUSEUM, AND THE  
12 MUSEUM DEVELOPMENT AUTHORITY,

13 Defendants.

CASE NO. 99-2-50226-4 SEA

**STIPULATION AND ORDER**

14 **STIPULATION**

15 The parties hereto by and through their attorneys stipulate that:

16  
17 1. The Seattle Art Museum ("SAM") and the State of Washington, Department of  
18 Ecology (the "State"), entered into the Prospective Purchaser Consent Decree Re: The Former  
19 Unocal Seattle Marketing Terminal Property, Seattle, Washington, which was approved and  
20 entered by the King County Superior Court on December 7, 1999 (the "Consent Decree"). The  
21 Consent Decree provided for remediation of hazardous substances at the former Unocal Seattle  
22 Marketing Terminal property (the "Site"), as more fully defined in the Consent Decree.

23 2. The Museum Development Authority ("MDA") intends to lease the Site from  
24 SAM and perform the work required pursuant to the Consent Decree. The MDA has certified by  
25 this Stipulation that it is not otherwise currently liable under MTCA for remedial actions at the  
26 Site.

1           3.       The MDA shall be added as a Defendant to the Consent Decree, subject to all the  
2 rights and obligations provided therein, at such time as the MDA acquires a leasehold interest in  
3 any portion of the Site.

4           4.       Paragraph 38 of the Consent Decree is further amended to add the remedial  
5 investigation, feasibility study and cleanup action plan as work to be performed pursuant to the  
6 Consent Decree.

7           5.       Paragraph 39(a)(v) is corrected to remove the word "Upper" following the words  
8 "Cap Lower".

9           6.       All other terms of the Consent Decree shall remain unchanged and shall be fully  
10 enforceable.

11           The undersigned parties enter into this Stipulation on the date specified below.

12  
13 SEATTLE ART MUSEUM

DAVIS WRIGHT TREMAINE  
Attorneys for Seattle Art Museum

14  
15 By: Susan Brotman

16 Dated: 11/20/02

Lynn T. Manolopoulos  
Lynn T. Manolopoulos, WSBA #21069

Dated: 11/20/02

17  
18  
19 MUSEUM DEVELOPMENT AUTHORITY

DAVIS WRIGHT TREMAINE  
Attorneys for Museum Development Authority

20 By: [Signature]

21 Dated: 11/20/02

Lynn T. Manolopoulos  
Lynn T. Manolopoulos, WSBA #21069

Dated: 11/20/02

1  
2 STATE OF WASHINGTON  
3 DEPARTMENT OF ECOLOGY

CHRISTINE O. GREGOIRE  
Attorney General, by and through

4 By: \_\_\_\_\_

By: \_\_\_\_\_

5 Dated: \_\_\_\_\_

Steven J. Thiele, WSBA #20275

Assistant Attorney General

State of Washington

Department of Ecology

7 Dated: \_\_\_\_\_

8  
9 **ORDER**

10 The Consent Decree is amended as provided in this stipulation and is effective after the  
11 date on which a leasehold interest to the Site vests in the MDA and the date on which this Order  
12 is entered by the Court.

13 So ordered this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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16 \_\_\_\_\_  
17 JUDGE

King County Superior Court